**THE HONOURABLE SRI JUSTICE V. ESWARAIAH**

**WRIT PETITON NO.3174 OF 2006**

**DATED: 21-02-2006**

**BETWEEN:**

1. Gandi Sanyasulu,
W/o. late Simhachalam and another … Petitioners

and

The Special Deputy Collector-cum-

Land Acquisition Officer, APIIC Ltd.,Visakhapatnam … Respondent

**THE HONOURABLE SRI JUSTICE V. ESWARAIAH**

**WRIT PETITON NO.3174 OF 2006**

**ORDER:**

Petitioners filed this writ petition seeking to direct the respondent to refer the award passed under Land Acquisition Act in respect of Ac.1.20 cents in Survey No.22/11 of Parwada village and Mandal, Visakhapatnam District to the Civil Court under Section 30 and 31 of Land Acquisition Act to enable them to claim the compensation by proving their right, title and interest over the said land.

Heard the learned counsel appearing for the petitioners and the learned Government Pleader for the respondent and perused the material on record.

The grievance of the petitioners is that one late Gandi Simhachalam, who is no other than the husband of the first petitioner, was the patta holder in respect of Ac.1.20 cents vide patta No.326 situated in Survey No.22/11 of Parwada village and Mandal of Visakhapatnam District and after his death, the said land devolved on the

petitioners herein. The second petitioner is the daughter of the first petitioner. It is stated that the Land Acquisition Proceedings have been initiated by the respondent in respect of the above said patta land, but the names of the petitioners have not been mentioned in the notification made under Section 4(1) of Land Acquisition Act and draft declaration made under Section 6 of the Act and other proceedings. Hence the petitioners filed this writ petition seeking to refer the matter to the civil court under Section 30 and 31 of the Land Acquisition Act, for seeking entire compensation by proving their right, title and interest over the above said land. But, the affidavit in the material papers filed by the petitioners is silent with regard to the date and particulars of the notification issued under Section 4(1) of the Act and the draft declaration. But, on the other hand, it appears that there is a proposal to acquire the land and in that connection, petitioners got issued a legal notice for which the Special Deputy Collector, Land Acquisition of APIIC, Visakhapatnam vide his letter in R.C.No.71/2003/R1-I/ dated 21-07-2004 gave a reply with regard to payment of compensation for the land covered by Survey No.22/11 admeasuring Ac.1.20 cents of Parwada village and Mandal which is under acquisition by APIIC for establishment of Pharmacity. It is stated that the acquisition proceedings have already been initiated by the Land Acquisition Officer. The present stage of the said proceedings is under draft declaration stage. Therefore the amount of land compensation will be determined at the time of passing of the award by the Land Acquisition Officer if the petitioners produced the necessary documents before the Land Acquisition Officer on or before passing the award and accordingly petitioners were requested to prove their right and title in respect of the said land and advised them to approach the Land Acquisition Officer to produce the necessary documents of their right and title over the land for their share holding of the compensation etc. Without complying the same, the petitioners appears to have issued another legal notice dated 05-12-2005 and filed this writ petition. Hence, I am of the opinion that without there being any issuance of 4(1) notification and without approaching the Land Acquisition Officer for payment of necessary compensation by producing necessary title deeds and the right of the petitioners, filing of this writ petition is premature one and also deficit of any material particulars.

The writ petition is accordingly dismissed. No order as to costs.

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V. ESWARAIAH, J.

Dated: 21-02-2006

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